

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN CODE BY AMENDING SECTION 17-10 ENTITLED "USE OF STREETS", AMENDING PROVISIONS REGARDING PEDDLERS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town wishes to modify its existing ordinance regarding street vendors for traffic control and safety and so as to protect the public.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. That Section 17-10 of the Code of the Town of Davie entitled "Use of streets" is hereby amended in its entirety to read as follows:

**Sec. 17-10. ~~Use of streets~~ Peddlers.**

~~(a)~~(A) No peddler shall operate within ~~one thousand (1,000)~~ two thousand five hundred (2,500) feet of the property line of a school, public-operated park or recreational facility within the town. ~~No peddler shall operate within one hundred (100) feet of a street or roadway intersection, nor within five (5) feet of a public sidewalk.~~

~~(b)~~(B) ~~No peddler shall have any exclusive right to any location in the public streets, alleys, or other public places, nor shall any be permitted a stationary location, nor shall he be permitted to operate in such a way as would restrict or interfere with the ingress or egress of an abutting property owner or tenant, or create or become a public nuisance, increase traffic congestion or delay, or constitute a hazard to traffic, life or property, or create an obstruction to adequate access for fire, police or sanitation vehicles. No person shall obstruct the free, convenient, and normal use of any public street, highway, or road by impeding, hindering, stifling, retarding, or restraining traffic or passage thereon, by standing or approaching motor vehicles thereon, or by endangering the safe movement of vehicles or pedestrians traveling thereon. The judgment of a public officer or code enforcement officer exercised in good faith shall be deemed conclusive as to whether the peddling activity constitutes a traffic or pedestrian impediment or hazard or access obstruction. A peddler shall move his location at least two hundred (200) feet from the last location occupied before stopping to conduct business and shall not return to the same location until twenty four (24) hours has elapsed. Vending is prohibited with the following exceptions:~~

(1) Vending on the sidewalks not from a motor vehicle is permitted subject to the restrictions contained in subsection (A) above, and in paragraphs (C)(1)-(15) below.

(2) Vending from motor vehicles is permitted throughout the town subject to the restrictions contained in subsection (A) above, and in paragraphs (C)(1)-(15) below.

(C) No peddler shall:

(1) Vend within five hundred (500) feet of any house of worship between one (1) hour prior to the start of any house of worship service, Sunday school or religious-ceremonies and one (1) hour after such services have concluded.

(2) Vend on any street or sidewalk except as provided for in this section.

(3) Vend in such a way as would restrict or interfere with the ingress or egress of an abutting property owner or tenant, or create or become a public nuisance, increase traffic congestion or delay, or constitute a hazard to traffic, life or property, or an obstruction to adequate access for fire, police or sanitation vehicles.

(4) Wave, flag or motion to vehicles on the street.

(5) Sell food or beverages for immediate consumption unless he has available for public use his own or a public litter receptacle which is available for his patrons' use.

(6) Leave any location without first picking up, removing or disposing of all trash, materials or refuse remaining from sales made by him or the conduct of his operation.

(7) Allow any items relating to the operation of the vending business to be placed anywhere other than in, on or under the vending vehicle.

(8) Set up, maintain or permit the use of any table, crate, carton, rack or any other device to increase the selling or display capacity of his vending vehicle.

(9) Sell anything other than that which he is licensed to vend.

(10) Have exclusive right to any location or remain in a stationary location.

(11) Operate in any congested area where his or her operations will impede traffic control or safety.

(12) Vend without proof of an insurance policy, issued by an insurance company licensed to do business in the State of Florida, protecting the licensee from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with the license. Such insurance shall be in at least the amounts of three hundred thousand dollars (\$300,000.00) for injury for each occurrence and one hundred thousand dollars (\$100,000.00) per person.

(13) No peddler selling on the sidewalk shall:

(a) Vend at any location where the sidewalk is not over four (4) feet in width.

(b) Vend within ten (10) feet of any entrance way to any building.

(c) Vend within ten (10) feet of any driveway entrance to a police or fire station, or within ten (10) feet of any other driveway.

(d) Vend within ten (10) feet of the crosswalk at any intersection.

(e) Vend within fifty (50) feet of any bus stop sign.

(f) Vend in such a manner that would obstruct pedestrian traffic.

(14) Vend from trucks and moving vehicles as a mobile food unit without written approval (certificate) from the Broward County Health Department.

(15) No peddler vending from a motor vehicle shall:

(a) Conduct his business in such a way as would restrict or interfere with the ingress or egress of an abutting property owner or tenant, or create or become a public nuisance, increase traffic congestion or delay, or constitute a hazard to traffic, life or property, or an obstruction to adequate access to fire, police or sanitation vehicles.

(b) Stop, stand or park his vehicle at a metered parking space for the purpose of selling, or sell on any street under any circumstances during the hours when parking, stopping or standing has been prohibited by signs or curb markings or is prohibited by statute or ordinance.

(c) Remain in any one place for a period longer than necessary to make a sale after having been approached or stopped by a prospective customer for such purpose.

(d) Stop, stand or park his vehicle in order to make or attempt to solicit sales within twenty five (25) feet of any intersection.

(D) No minor shall vend on any street or roadway or within one hundred (100) feet of a street or roadway intersection without adult supervision.

SECTION 3 All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 1999.

PASSED ON SECOND READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 1999.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 1999.